



March 16, 2017

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Association**

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RE: Recognition of Tribal Court Orders and Judgments; Written Comments
and Request to Appear at Public Hearing

Dear Mr. Johnson,

The Minnesota State Bar Association (MSBA) respectfully requests permission to appear at the public hearing on March 31 and present comments regarding the Petition to amend Rule 10 of the General Rules of Practice. The MSBA supported the original Petition to create Rule 10 of the General Rules of Practice when it came before our governing body in September, 2002. The MSBA supports the Petition to amend Rule 10 that is currently pending before your committee. The basis for our position is outlined below.

The MSBA's Judiciary Committee and Court Rules Committee held a joint meeting to consider the Petition and invited representatives from the Tribal and State Court Forum to provide background on the need for the proposed changes to the rule and to answer questions. A request for comments was sent to all MSBA sections, but no comments were received. Individual comments were received from one county attorney and distributed to the Committee members. The MSBA's Judiciary Committee and Court Rules Committee unanimously recommended approval of the Petition.

After hearing the history behind the current Petition, the problems associated with delays in enforcing tribal orders, the variation across courts in their application of the current rule, how the proposed rule changes address these problems, and the support of the district court judges for the Petition, the MSBA Council adopted a resolution recommended by the Judiciary and Court Rules Committees in support of the Petition.

The MSBA Council based its position on the following:

1. The value of enhancing comity, the voluntary recognition by courts of one jurisdiction of the laws and judicial decisions of another.

2. Increasing clarity and efficiency for the courts, litigants, and institutions that do not currently recognize tribal court orders.
3. Cutting back on delays in obtaining services for tribe members when institutions do not recognize tribal court orders.
4. The improvements made to tribal courts since the original proposed Rule 10 came before the MSBA in 2002.

We respectfully request the Rules of General Practice Committee advise the Court to support the Petition.

Sincerely,



Robin Wolpert
President